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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ERIC M. CREMA,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT; OFFICER MICHAEL R.
FREEMAN, individually and in his official
capacity; OFFICER D. SIGMUND P# 8102,
individually and in her official capacity; SGT.
WILLIAM M. WILSON, individually and in
his official capacity; DOE OFFICERS I
through X, inclusive; and ROE OFFICERS XI
through XX, inclusive,

Defendants.

Case No.: 2:17-cv-01535-RFB-VCF

**STIPULATION AND ORDER TO
EXTEND TIME FOR FILING JOINT
PRETRIAL ORDER**

[FIRST REQUEST]

Pursuant to LR 6-1 and LR 26-4, the parties, by and through their respective counsel of record, hereby stipulate and request that this Court **extend the time for filing the joint Pre-Trial Order in the above-captioned case sixty (60) days**, up to and including December 19, 2023 from October 20, 2023. In support of this stipulation and request, the parties state as follows:

A. PROCEDURAL HISTORY:

1. On May 31, 2017, Plaintiff filed his Complaint [ECF No. 1].
2. On June 1, 2017, Plaintiff electronically issued his Summons [ECF No 2] to the

1 Las Vegas Metropolitan Police Department (“LVMPD”) and filed his Certificate of Interested
2 Parties [ECF No. 3].

3 3. On August 23, 2017, Defendant LVMPD filed its Answer [ECF No. 4] to
4 Plaintiff’s Complaint and Certificate of Interested Parties [ECF No. 5].

5 4. On September 12, 2017, the Court files its Notice Regarding Intention to Dismiss
6 Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure [ECF No. 6].

7 5. On September 18, 2017, Plaintiff filed his Summons Return Executed as to
8 Defendant Lowe’s Home Store [ECF No. 7], and Defendant LVMPD [ECF No. 8].

9 6. On March 8, 2018, the parties filed their proposed Discovery Plan and Scheduling
10 Order [ECF No. 9] and the Court filed its Order granting the proposed Discovery Plan and
11 Scheduling Order [ECF No. 10].

12 7. On June 6, 2018, Plaintiff filed his Motion for Leave to Amend Complaint to
13 Supplement Names of Doe Parties [ECF No. 12].

14 8. On June 8, 2018, Defendant LVMPD filed its Non-Opposition [ECF No. 13] to
15 Plaintiff’s Motion for Leave to Amend Complaint to Supplement Names of Doe Parties [ECF
16 No. 12].

17 9. On June 11, 2018, the Court filed its ORDER [ECF No. 14] granting Plaintiff’s
18 Motion for Leave to Amend Complaint to Supplement Names of Doe Parties [ECF No. 12].

19 10. On July 10, 2018, the parties filed a proposed Stipulation and Order to extend
20 discovery deadlines [ECF No. 15].

21 11. On July 10, 2018, Plaintiff filed his Amended Complaint [ECF No. 16].

22 12. On July 10, 2018, the Court filed its Notice of Attorney Action Required to [16]-
23 2, [16]-3, and [16]-4 Summons, as the wrong form was used by Plaintiff’s attorney.

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1 13. On July 10, 2018, Plaintiff refiled his Amended Complaint [ECF No. 18] and
2 electronically issued Summons [ECF No. 19] for LVMPD.

3 14. On July 10, 2018, the Court filed ORDER [ECF No. 20] granting the parties
4 proposed Stipulation and Order (First Request) to extend discovery deadlines [ECF No. 15].

5 15. On July 10, 2018, Plaintiff filed Summons Returned Executed as to Defendants
6 Officer D. Sigmund [ECF No. 21], Sgt. William Wilson [ECF No. 22], Ofc. D. Sigmund [ECF
7 No. 23], Ofc. Michael R. Freeman [ECF No 24], and LVMPD [ECF No. 25].

8 16. On July 26, 2018, Defendant LVMPD filed its Answer [ECF No. 26] to Plaintiff's
9 Amended Complaint [ECF No. 18] and filed its Certificate of Interested Parties [ECF No. 27].

10 17. On November 15, 2018, the parties filed its proposed Stipulation and Order to
11 Extend Discovery deadlines (Second Request) [ECF No. 28].

12 18. On November 16, 2018, the Court filed its Order [ECF No. 29] granting the
13 parties' proposed Stipulation and Order to Extend Discovery deadlines (Second Request) [ECF
14 No. 28].

15 19. On February 22, 2019, Plaintiff filed his Motion to Substitute Expert [ECF No.
16 30].

17 20. On February 25, 2019, the parties filed their proposed Stipulation and Order to
18 Extend the Dispositive Motion Deadline (First Request) [ECF No. 31].

19 21. On February 25, 2019, a Clerk's Notice [ECF No. 32] was filed regarding
20 violation of the Local Rules for Defendant LVMPD Documents [15], [28], and [31] as not being
21 filed pursuant to LR IC 2-2(d) as the documents must be linked to the document to which they
22 pertain in the electronic filing system.

23 22. On February 26, 2019, the Court filed its ORDER [ECF No. 33] granting the
24 parties' Motion for Extension of Dispositive Motion Deadline (First Request) [ECF No. 31].
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23. On March 8, 2019, Defendants filed their Opposition [ECF No. 34] to Plaintiff's Motion to Substitute Expert [ECF No. 30].

24. On March 15, 2019, Plaintiff filed his Reply [ECF No. 35] to Defendants' Opposition [ECF No. 34] to Plaintiff's Motion to Substitute Expert [ECF No. 30].

25. On March 22, 2019, the Court filed its Minute Order [ECF No. 36] setting a hearing for Plaintiff's Motion to Substitute Expert [ECF No. 30].

26. On March 25, 2019, the Court filed its Minute Order [ECF No. 37] continuing the hearing on Plaintiff's Motion for Substituting Expert [ECF No. 30].

27. On April 1, 2019, the Court filed its Minutes of the April 1, 2019 Sealed Proceedings [ECF No. 38] Granting Plaintiff's Motion to Substitute Expert [ECF No. 30].

28. On May 30, 2019, Plaintiff filed a Motion for Sanctions [ECF No. 39] pursuant to FRCP 37(e)(1)(2).

29. On June 3, 2019, Defendant LVMPD filed its Motion for Summary Judgment [ECF No. 40].

30. On June 3, 2019, Defendant LVMPD filed its Opposition [ECF No. 41] to Plaintiff's Motion for Sanctions pursuant to FRCP 37(e)(1)(2) [ECF No. 39].

31. On June 18, 2019, Plaintiff filed his Errata [ECF No. 42] to his Motion for Sanctions pursuant to FRCP 37(e)(1)(2) [ECF No. 39].

32. On June 18, 2019, Plaintiff filed his Reply [ECF No. 43] in Support of his Motion for Sanctions Pursuant to FRCP 37(e)(1)(2) [ECF No. 39].

33. On June 24, 2019, Plaintiff filed his Opposition [ECF No. 44] to Defendant LVMPD's Motion for Summary Judgment [ECF No. 40].

34. On June 26, 2019, Plaintiff filed his Notice of Manual Filing of disc containing video surveillance [ECF /No. 45].

1 35. On July 8, 2019, Defendant LVMP filed its Reply [ECF No. 46] to Plaintiff's
2 Opposition [ECF No. 44] to Defendant LVMPD's Motion for Summary Judgment [ECF No. 40].

3 36. On January 18, 2020, the Court filed its Minute Order [ECF No. 47] setting a
4 Motion Hearing for March 12, 2020 for [ECF No. 39] Plaintiff's Motion for Sanctions and [ECF
5 No. 40] Defendant LVMPD's Motion for Summary Judgment.

6 37. On March 11, 2020, the Court filed its Minute Order [ECF No. 48] Resetting the
7 March 12, 2020 Hearing Start Time Only to 9:15 AM regarding Motions - [ECF No. 39]
8 Plaintiff's Motion for Sanctions and [ECF No. 40] Defendant LVMPD's Motion for Summary
9 Judgment.
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11 38. On March 12, 2020, the Court filed its Minute Order of Proceedings [ECF No.
12 49] Denying without Prejudice Plaintiff's Motion for Sanctions [ECF No. 39] and Defendant
13 LVMPD's Motion for Summary Judgment [ECF No. 40].
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15 39. On January 25, 2021, the Court filed its Minute Order [ECF No. 50] setting an
16 Evidentiary Hearing for April 13, 2021 at 9:30 a.m.

17 40. On March 9, 2021, the Court filed its Minute Order [ECF No. 51] resetting the
18 April 13, 2021 Evidentiary Hearing [ECF No. 50] to April 14, 2021 at 9:00 a.m.

19 41. On April 8, 2021, the Court filed it Minute Order [ECF No. 52] setting the April
20 14, 2021, 9:00 a.m. Evidentiary Hearing [ECF No. 51] for Videoconference.
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22 42. On April 14, 2021, the Court filed its Minutes of Proceedings [ECF No 53] of the
23 April 14, 2021 Evidentiary Hearing.

24 43. On May 3, 2022, the Court filed its Minute Order in Chambers [ECF No. 54]
25 stating that because Plaintiff's Motion for Sanctions [ECF No. 39] and Defendant LVMPD's
26 Motion for Summary Judgment [ECF No. 40] were inadvertently denied when the Court
27 intended to allow for supplement and refiling of the motions after the Court's March 12, 2020
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1 Evidentiary Hearing, the Court Ordered that the parties shall have until June 3, 2022, to file any
2 subsequent dispositive motion and any supplement to Plaintiff's initial Motion for Sanctions
3 [ECF No. 39] which is reinstated at this time.

4 44. On June 1, 2022, the parties filed Plaintiff and Defendants' Joint Response [ECF
5 No. 56] to the Court's May 3, 2022 Minute Order (ECF No. 54).

6 On September 25, 2023, the Court filed its ORDER [ECF No. 56] Granting Plaintiff's Motion
7 for Sanctions [ECF No. 39]; and Granting in Part, and Denying in Part, Defendant LVMPD's
8 Motion for Summary Judgment [ECF No. 40].
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10 **B. PRETRIAL ORDER**

11 Pursuant to LR 26(1)(e)(5) the Joint Pretrial Order shall be filed with this Court no later
12 than thirty (30) days after the date set for filing dispositive motions, unless dispositive motions
13 are filed, in which case the date for filing the Joint Pretrial Order shall be suspended until thirty
14 (30) days after the decision on the dispositive motions or further order of this Court. The
15 disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections shall be included in the final
16 pretrial order.
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18 **C. EXTENSIONS OR MODIFICATION OF THE DISCOVERY PLAN AND**
19 **SCHEDULING ORDER**

20 In accordance with LR 26-4, applications to extend any date set by the discovery plan,
21 scheduling order, or other order must, in addition to satisfying the requirements of LR 6-1, be
22 supported by a showing of good cause for the extension.
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1 The Court in its Order [ECF No. 56] ordered that a joint pre-trial order be filed in this
2 case no later than October 20, 2023. The parties' counsel have met and conferred and have
3 agreed, subject to this Court's approval, that the October 20, 2023 deadline be extended for sixty
4 (60) days until December 19, 2023. This is the first request for an extension of time to file the
5 joint pre-trial order.

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7 **D. GOOD CAUSE EXISTS TO GRANT THE EXTENSION**

8 All discovery has been completed by the parties and dispositive motions have been ruled
9 upon by the Court. This extension is not sought for any improper purpose or other purpose of
10 delay. Rather it is sought by the parties solely to fully set forth the complexities of this case.

11 Counsel for Plaintiff has been preparing for criminal trials in State court and currently has
12 jury trials set for the months of November, December, January (2023) and February (2024).
13 Counsel for Plaintiff is a solo practitioner. Counsel for Defendants likewise has had an intense
14 schedule regarding depositions and motion practice. Additionally, counsel for Defendants just
15 received notice that the Defendants will not be appealing this Court's Order [ECF No. 56]
16 denying the Defendant Officers Qualified Immunity.

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18 Last, counsel for Defendants will be out of the jurisdiction for two weeks in November
19 2023 and has had to do other work in advance so he can leave the jurisdiction. The parties
20 submit that ...

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Eric M. Crema vs. LVMPD, et al.
Stipulation and Order

an extension will not prejudice either party and that based upon the foregoing, good cause exists to grant the extension request.

APPROVED AS TO FORM AND CONTENT:

DATED this 19 th day of October, 2023.	DATED this ____ day of October, 2023.
E. BRENT BRYSON, LTD.	MARQUIS AURBACH, CHTD.
By: <u>/s/ E. Brent Bryson, Esq.</u> E. Brent Bryson, Esq. Nevada Bar No. 004933 375 E. Warm Springs Road, Ste. 104 Las Vegas, Nevada 89119 (702) 364-1234 Telephone (702) 364-1442 Facsimile Ebbesqltd@yahoo.com <i>Attorney for Plaintiff Eric M. Crema</i>	By: <u>/s/ Craig R. Anderson, Esq.</u> Craig R. Anderson, Esq. Nevada Bar No. 006882 10001 Park Run Drive Las Vegas, Nevada 89145 Telephone: (702) 382-0711 Facsimile: (702) 382-5816 canderson@maclaw.com <i>Attorneys for Defendants Las Vegas Metropolitan Police Department, Ofc. Freeman, Ofc. Sigmund, and Sgt. Wilson</i>

IT IS SO ORDERED.



UNITED STATES DISTRICT COURT JUDGE